

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO. 17-34068
EMMA GARRIETT McCLELLAN	§	
	§	
	§	
Debtor	§	CHAPTER 11

DEBTOR'S EXPEDITED MOTION TO EXTEND AUTOMATIC STAY

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS MOTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now, Emma Garriett McClellan, Debtor, and files this Motion to Extend Automatic Stay and would respectfully show as follows:

1. The Debtor was a debtor in a previous Bankruptcy, Case number 16-34303 within one (1) year of the filing date of this case. The Debtor seeks to extend the Section 362 stay in this case and show the Court that this case and this motion are filed in good faith with respect to all creditors sought to be stayed.

2. On August 31, 2016, Debtor filed a Chapter 13 bankruptcy. During the course of the bankruptcy, the Internal Revenue Service filed a proof of claim in the amount of \$567,671.90,

which resulted in Debtor exceeding the debt limits permissible for a Chapter 13 plan of reorganization. On March 28, 2017, Debtor's first case was dismissed.

3. On July 3, 2017, Debtor filed the instant bankruptcy case as a Chapter 11 and did so to prevent foreclosure of her homestead.

4. Debtor's financial circumstances have improved and Debtor can now fund a Chapter 11 Plan.

5. Debtor filed this bankruptcy in good faith and expects to reorganize in accord with the provisions of the code.

6. The automatic stay should be extended as to all of the Debtor's scheduled creditors. If the creditors are not stayed during the term of this bankruptcy proceeding, the collection efforts would impair Debtor's ability to successfully complete this Chapter 11 Plan.

Premises considered the Debtor requests that the Court grant this Motion to Extend Automatic Stay. A form of Order is submitted with this motion.

Dated: July 12, 2017

Respectfully submitted,

By: /s/ Nelson M. Jones, III
Nelson M. Jones III
Fed. Bar No 7054
TX Bar No. 10973400
Stacy M. Allen
TX Bar No. 24078138
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Extend Automatic Stay has been served on all parties by electronic service or by United States First Class Mail on July 12, 2017, as follows:

/s/ Nelson M. Jones III

Label Matrix for local noticing 0541-4 Case 17-34068 Southern District of Texas Houston Wed Jul 12 10:38:00 CDT 2017	Harris County Linebarger Goggan Blair & Sampson LLP c/o Tara L. Grundemeier Post Office Box 3064 Houston, TX 77253-3064	United States Bankruptcy Court PO Box 61010 Houston, TX 77208-1010
Buckley Madole, P.C. 14841 Dallas Parkway Suite 425 Dallas, Texas 75254-7883	Ditech Financial P.O. Box 6172 Rapid City, SD 57709-6172	Harris County et al. c/o Tara L. Grundemeier Linebarger Goggan Blair & Sampson LLP P.O. Box 3064 Houston, Tx 77253-3064
Harris County, et al PO Box 3064 Houston, Texas 77253-3064	Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7346	Ovation 8407 Bandera Road San Antonio, TX 78250-2511
Real Time P.O Box 731940 Dallas TX 75373-1940	Real Time Resolutions Inc 13499 Empire Central Drive Suite 150 Dallas, TX 75247-4029	Speedy/ Rapid Cash P.O Box 780408 Witcha, KS 67278-0408
Texas Workforce Commision Regulatory Integrity Divison-SAU Room 556 101 E. 15th Street Austin, TX 78778-1442	US Trustee Office of the US Trustee 515 Rusk Ave Ste 3516 Houston, TX 77002-2604	Wells Fargo Bank N. A 435 Ford Rd. Suite 300 St. Louis Park, MN 55426-4938
Wells Fargo Bank N.A as Trustee C/O Ditech Financial LLC P.O Box 6154 Rapid City, SD 57709-6154	Wells Fargo Bank, N.A. PO Box 19657 Irvine, CA 92623-9657	Emma Garriett McClellan 3609 Dabney Houston, TX 77026-4121
Nelson M Jones III Law Office of Nelson M. Jones III 440 Louisiana Suite 1575 Houston, TX 77002-1655		

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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